

Remarks

Claims 1-21 are pending. Claims 9 and 17 have been amended. New claim 21 has been added. Support for claims 9, 17, and 21 can be found in the specification on, for example, p. 10. No new matter has been added.

Rejection of Claims under 35 U.S.C. § 102/103

Claims 1, 2, 4, 9-11, and 17-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Liese et al., U.S. Patent No. 5,854,889 (Liese). Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Liese in view of Czarnik et al., U.S. Patent No. 5,812,529 (Czarnik). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Liese. Claims 5 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liese in view of Newman, U.S. Patent No. 5,987,633 (Newman). Claims 6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liese in view of Biber et al., U.S. Patent No. 4,951,278 (Biber). Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liese in view of Haeri et al., U.S. Patent No. 6,385,615 (Haeri). Claims 8 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liese in view of Culbert, U.S. Patent No. 5,838,968. The applicants respectfully traverse these rejections.

Liese neither teaches nor suggests a network verification tool (NVT) apparatus including:

... an NVT server coupled to the at least one probe network device, wherein the NVT server allows a user to create at least one task for the at least one task type by entering parameters into a template for each of the at least one task ... ,

as required by independent claim 1, and generally required by independent claims 9, 17, and 19.

Regarding the claimed NVT server, the Examiner refers to Liese's execution server 16. Additionally, the Examiner refers to Liese's client machines and cites column 3, lines 9-47 which state:

Therefore, according to the present invention, a method and system for heterogeneous network testing by a plurality of users is disclosed. The

present invention requires at least one client machine, an execution server, and at least one custom server in a LAN (local area network) or WAN (wide area network) environment for heterogeneous network testing in which one or more client machines communicate with the execution server which in turn manages one or more custom servers that execute requested test cases. The custom servers may be of various types, including ISDN servers, SS7 servers and CG servers. A user on the network communicates to a client machine via a GUI (graphical user interface) which test case or test cases are to be executed. The requested test cases are retrieved and may be edited by the user on the client machine prior to communicating the test case information from the client machine to the execution server which coordinates the execution of test cases by an appropriate custom server. The results of the executed test case are stored and made available to other users on the network.

The client machine includes a GUI (graphical user interface) for performing tests on a variety of equipment using a variety of test cases. The client machine provides authentication abilities to ensure validation of users of the present invention. The GUI of the client machine provides a user-friendly interface for managing test cases and for conveniently maintaining (e.g. create, change, delete, store, access, etc.) test cases of new or existing test platforms and applications. While test cases can be retrieved from various existing platforms by the client machine, a generic test case can be maintained thereafter. The generic test case is easily directed to an arbitrary environment for performing a test. The client machine has access to file servers containing test cases and database servers for access to test cases. The client machine manages its own set of generic test cases locally or through its own file servers. Multiple users can share test cases maintained by the present invention through their respective client machines to shared file servers.

From the cited portion of Liese, it is clear that Liese's client machine, and not his execution server or custom servers, is responsible for selecting, managing, and maintaining test cases. More specifically, Liese neither teaches nor suggests that execution server 16 (i.e., that which the Examiner contends teaches the applicants' claimed NVT server) "allows a user to create at least one task for the at least one task type," as required by claim 1. Moreover, claim 1 specifically requires that the "NVT server allows a user to create at least one task for the at least one task type by entering parameters into a *template* for each of the at least one task" (Emphasis added). No such teaching or suggestion is present in Liese.

In response to similar arguments previously presented by the applicants, the Examiner states:

The claimed “NVT server allows a user to create at least one task...” can be broadly interpreted in many ways that Liese would clearly anticipate. For example, Liese with reference to figure 3 discloses a client/server authentication, authentication can be regarded as the claimed feature of enablement, because the server enable the user to provide the test request upon successful authentication. See column 7, lines 19-23. Stated differently the user is authenticated prior to making any test case requests to the execution server, and if enabled, then test request can be made. In addition the specification has many embodiments, for example in one embodiment the template is downloaded by the NVT client to the NVT server, and that casts a doubt to whether the claimed “NVT server allows...” refers to this feature or something else. Similarly, the claimed “NVT server allow a user to create at least one task for at least one task type by entering parameters into a template for each of the at least one task” can be interpret as simply the client/server interactions of Liese. Applicants are required to point out where in the specification the newly amended feature . . . is described (Office Action of August 24, 2005, pp. 13-14)

First, the Examiner suggests that the applicants’ claim limitation is taught by Liese’s client/server authentication. The applicants respectfully disagree. Column 7, lines 19-32 states:

Referring to FIG. 3, a user of the present invention invokes Client Machine 18. *Validation of the user's name, password and custom server identification is performed by User Server 34 as the user logs onto the Client Machine 18.* The user refers to the desired Custom Server 14 shown in FIG. 1 by either name, number or other appropriate identifier, depending on how User Server 34 is configured. The name, number or other identifier of the desired Custom Server 14 is stored in local memory of the Client Machine 18 and may be accessed and verified by reference to a look-up table in local memory. Communication between the user and Client Machine 18 may be accomplished with a GUI (graphical user interface). (Emphasis added)

Thus, Liese’s authentication does not teach or suggest the claimed “the NVT server allows a user to create at least one task” The Examiner has made clear that he believes the applicants’ NVT server is taught by Liese’s execution server 16. However, Liese’s authentication process is not in any way performed by execution server 16, and Liese cannot be read to teach that execution server 16 performs any authentication operation to allow a user to create at least one task.

Second, the Examiner raises some concerns about which disclosed embodiments the claim limitations cover. The applicants respectfully submit that Liese cannot be held as teaching the disputed claim limitation under any of the Examiner's interpretations. Moreover, if it is the Examiner's position that claim 1 is in any way indefinite, the applicants respectfully request that such indefiniteness rejections be made of record.

Third, the Examiner states that the claim limitation can be interpreted as the client/server interactions of Liese. The applicants respectfully disagree because (1) as noted above regarding client server authentication, operation of Liese's execution server is not implicated, and (2) the Examiner has provided no basis for his contention that mere client/server interaction (as disclosed by Liese or otherwise) teaches the claim limitations.

Finally, the applicants note that to the extent they failed in previous responses to point out where in the specification the amended feature is described, the applicants respectfully submit that support can be found, for example, on pp. 9 and 10 of the specification.

Accordingly, independent claims 1, 9, 17, and 19 are allowable over Liese. Claims 2-8 and 21 depend from claim 1 and are allowable for at least this reason. Claims 10-16 depend from claim 9 and are allowable for at least this reason. Claim 18 depends from claim 17 and is allowable for at least this reason. Claim 20 depends from claim 19 and is allowable for at least this reason.

Additionally regarding claim 2, the applicants reiterate their position that Liese fails to teach or suggest any use of a template for entering parameters for tasks. This is true for both execution server 16 (i.e., that which the Examiner refers for the applicants' claimed NVT server) and client 32 (i.e., that which the Examiner refers for the applicants' claimed NVT client). Accordingly, claim 2 is additionally allowable over Liese.

Additionally regarding independent claims 9 and 17, the applicants respectfully submit that Liese neither teaches nor suggests the claims as amended.

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on 11/3, 2005.



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Date of Signature

Respectfully submitted,



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